UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,519	01/04/2001	Noboru Shibuya	275738US6	4153

22850   7590   07/07/2008
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EXAMINER
HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
2131	

NOTIFICATION DATE	DELIVERY MODE
07/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 May 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>12 and 14-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>12 and 14-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 January 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1   This action is in response to the communication filed on 5/5/2008.

2   **DETAILED ACTION**

3   *Continued Examination Under 37 CFR 1.114*

4   A request for continued examination under 37 CFR 1.114, including the fee set forth in

5   37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

6   eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

7   has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

8   37 CFR 1.114. Applicant's submission filed on 4/4/2008 has been entered.

9

10   *Response to Arguments*

11   Applicant's arguments filed 5/5/2008 have been fully considered but they are not

12   persuasive.

13   Regarding the applicants' argument that because the headphone stereo 401 of

14   Tatebayashi is not connected to the personal computer 500, the buttons on the stereo 401 are not

15   integrally arranged on the case of the personal computer, the examiner does not find the

16   argument persuasive. As has already been discussed in previous communications, Tatebayashi

17   disclosed that that the memory card reader 400 and the memory card writer 300 can be one in the

18   same, and that with the personal computer 500 the user obtains contents from the memory card

19   through the mediation of the access device [that doubles as the memory card writer and the

20   memory card reader] and reproduces the obtained contents, as can be seen in Tatebayashi Col.

21   51 Line 64 – Col. 52 Line 11. Tatebayashi Fig. 2 clearly shows the memory card writer 300 is

1 inserted into memory card writer slot 501 which is integrally arranged on said case of said

2 general-purpose computer. As such, the examiner does not find the argument persuasive.

3   Regarding the applicant's argument that Tatebayashi does not describe that when the

4 headphone stereo 401 reads the external storage card, the processor of the personal computer is

5 in an inactive state, the examiner does not find the argument persuasive. This is due to the fact

6 that the teachings of Chan are directed to that exact scenario, and it is the combination of

7 Tatebayashi and Chan that has been relied upon in rejecting the claims, and not Tatebayashi

8 alone. As such, the examiner does not find the argument persuasive.

9   Regarding the applicant's argument that Tatebayashi does not teach or suggest that "said

10 loading mechanism is configured to read said decoded data based on commands from an external

11 storage card control mechanism integrally arranged on said case of said general-purpose

12 computer, without control of a central processing unit, when said general-purpose computer is in

13 an inactive state", the examiner does not find the argument persuasive. Again, it is the

14 combination of Tatebayashi and Chan which has been relied upon in rejecting the claims, and in

15 this case. In the combination, it is audio subsystem 106 which reads on the "external storage

16 card control mechanism" as claimed. Because the memory card reader/writer and writer slot are

17 part of the audio subsystem 106 in the combination, and because the reader/writer and writer slot

18 are integrally arranged on the case, the audio subsystem 106 is integrally arranged on the case as

19 well. Therefore, the examiner does not find the argument persuasive.

20   Because the arguments have not been found persuasive, the examiner has maintained the

21 rejections previously presented.

1   Claims 12, and 14-21 have been examined and Claim 1-11, and 13 have been cancelled.

2   All objections and rejections not set forth below have been withdrawn.

3   ***Claim Rejections - 35 USC § 103***

4   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

5   obviousness rejections set forth in this Office action:

6   *A patent may not be obtained though the invention is not identically disclosed or*
7   *described as set forth in section 102 of this title, if the differences between the subject*
8   *matter sought to be patented and the prior art are such that the subject matter as a*
9   *whole would have been obvious at the time the invention was made to a person having*
10   *ordinary skill in the art to which said subject matter pertains. Patentability shall not be*
11   *negatived by the manner in which the invention was made.*
12

13   Claims 12, 14-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

14   Tatebayashi et al. (U.S. Patent Number 6,859,535) hereinafter referred to as Tate, and further in

15   view of Chan et al. (US Patent Number 6,226,237) hereinafter referred to as Chan.

16   Regarding claim 12, Tate disclosed a general-purpose computer having a central

17   processing unit which can decode data stored in an internal storage mechanism as instructed by a

18   program stored in said internal storage mechanism (See Tate Col. 8 Lines 31-51), comprising: a

19   loading mechanism, which is integrally arranged on a case of said general-purpose computer, for

20   detachably accommodating an external storage card (See Tate Fig. 2 Elements 501 and 300; note

21   that Tatebayashi teaches that the memory card reader 400 and the memory card writer 300 can be

22   one in the same, as can be seen in Tatebayashi Col. 51 Line 64 – Col. 52 Line 11); a decoding

23   mechanism configured to decode data read from said external storage card (See Tate Col. 8 Lines

24   31-51 and Fig. 6 Element 460); a reproduction mechanism configured to reproduce decoded data

25   decoded by said decoding mechanism (See Col. 8 Lines 31-51); and said loading mechanism is

1   configured to read said decoded data based on commands from said central processing unit when

2   said general-purpose computer is in an active state (See Tate Col. 52 Paragraph 1), and a cross-

3   authentication mechanism configured to cross-authenticate said external storage card through

4   said loading mechanism (See Tate Col. 11 Lines 3-20); and a control mechanism for supplying

5   copyrighted data read from said external storage card to said reproducing mechanism upon

6   successful cross-authentication by said cross- authentication mechanism (See Col. 8 Lines 44-

7   51), but failed to disclose a power controller that supplies power to said general-purpose

8   computer, wherein said power controller supplies power to said decoding mechanism and said

9   reproduction mechanism even if power of said central processing unit is turned off, and said

10   loading mechanism is configured to read said decoded data based on commands from an external

11   storage card control mechanism integrally arranged on said case of said general-purpose

12   computer, without control of a central processing unit when said general-purpose computer is in

13   an inactive state, or wherein said power controller supplies power to said cross-authentication

14   mechanism and said control mechanism even if power of said central processing unit is turned

15   off.

16   Chan teaches that when computers reproduce audio from an external device, much of the

17   power consumed by the computer is in peripherals not actually being used (See Chan Col. 1

18   Lines 29-37), and that unused portions of the computer, including the CPU, can be powered off

19   (un-energized), and when the CPU is energized the CPU will control the audio playback

20   commands, but when the CPU is not energized, an audio sub-system (106) should remain

21   energized to control the playback of the audio without use of the CPU (See Chan Col. 8

22   Paragraphs 2-3). Chan further teaches the implementation of such a system utilizes an audio

1   subsystem (106) which includes a power controller that supplies power to said general-purpose

2   computer, wherein said power controller supplies power to said decoding mechanism and said

3   reproduction mechanism even if power of said central processing unit is turned off (See Chan

4   Col. 8 Paragraphs 2-3: wherein the "computer subsystem 104", which includes the CPU as can

5   be seen in Fig. 1, is not energized), and said loading mechanism is configured to read audio data

6   based on commands from an external storage card control mechanism of said general-purpose

7   computer, without control of a central processing unit when said general-purpose computer is in

8   an inactive state (See Chan Col. 10 Line 48 – Col. 11 Line 58), or wherein said power controller

9   supplies power to said cross-authentication mechanism and said control mechanism even if

10   power of said central processing unit is turned off (See Chan Col. 8 Paragraphs 2-3: wherein the

11   "computer subsystem 104", which includes the CPU as can be seen in Fig. 1, is not energized).

12   Chan further teaches that the audio sub-system 106 should have a track number display

13   and an Icon LCD which the audio subsystem uses to indicate operation (See Chan Col. 6 Lines

14   52-58).

15   It would have been obvious to the ordinary person skilled in the art at the time of

16   invention to employ the teachings of Chan within the audio reproduction system of Tate by

17   incorporating the audio subsystem 106 of Chan within the computer system 500 of Tate in order

18   to shut off the power to the idle personal computer while reading the data from the external

19   medium by the content player subsystem, and having a display configured to display operating

20   characteristics of the audio device when the computer is idle. This would have been obvious

21   because the ordinary person skilled in the art would have been motivated to reduce the power

22   consumed by the system. It further would have been obvious to the ordinary person skilled in

1   the art at the time of invention to have employed the teachings of Chan by including control

2   buttons in the audio subsystem. This would have been obvious <u>because</u> the ordinary person

3   skilled in the art would have been motivated to provide a means for controlling the playback of

4   the audio by the audio subsystem.

5   In this combination it would have been obvious to the ordinary person skilled in the art at

6   the time of invention that the CD-ROM Drive 138 of Chan would be replaced with the memory

7   card reader/writer 300 and memory card writer slot 501 of Tatebayashi (which is integrally

8   arranged on the case of the personal computer 500 as can be seen in Fig. 2 of Tatebayashi)

9   within the audio subsystem 106. This would have been obvious <u>because</u> the ordinary person

10   skilled in the art would have recognized that the preferred audio system of Tatebayashi was the

11   memory card reader/writer, and not a CD-ROM drive.

12   In this combination it further would have been obvious to the ordinary person skilled in

13   the art to have energized the card reader/writer and its components, including the mutual

14   authentication unit, while the CPU of the personal computer and other components, which as

15   taught by Chan are not essential to the content reproduction, are not energized. This would have

16   been obvious <u>because</u> the ordinary person skilled in the art would have been motivated to

17   conserve energy while allowing for audio reproduction.

18

19   Regarding claim 14, Tate and Chan disclosed that when said external storage card has

20   been cross-authenticated with said general-purpose computer, an external storage card control

21   mechanism plays copyrighted music data on a portable music playing device by connecting said

22   external storage card to said portable music playing device (See Tate Col. 8 lines 44-51).

1   Regarding claim 15, Tate and Chan disclosed that in an inactive state in which no electric

2   power is supplied to said general-purpose computer, an external storage card control mechanism

3   reads copyrighted data from said external storage card and supplies said copyrighted data to a

4   portable music playing device (See Tate Col. 8 Lines 44-51 and the rejection of claim 12 above).

5   Regarding claim 16, see the rejection of claim 12 above.

6   Regarding claim 17, Tate and Chan disclosed that a function equivalent to a portable

7   music playing device is realized by executing, by a controller of said general-purpose computer,

8   a program stored in said internal storage mechanism of said general-purpose computer (See Tate

9   Col. 1 Lines 29-37 and Col. 8 Lines 31-51 and col. 52 Paragraph 1).

10   Regarding claim 18, Tate and Chan disclosed that said internal storage mechanism is a

11   hard drive (See Tate Lines 31-34).

12   Regarding claim 19, Tate and Chan disclosed that said copyrighted data is encrypted

13   copyrighted data (See Tate Abstract).

14   Regarding claim 21, Tate and Chan taught that said external storage card mechanism has

15   programmable power key functionality (See Chan Col. 11 Lines 55-58).

16

17   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

18   of Tate and Chan as applied to claim 12 above, and further in view of Schneier (Applied

19   Cryptography Second Edition).

20   Regarding claim 20, Tate and Chan disclosed that when said external storage card control

21   mechanism is operated and said central processing unit is in said inactive state, the audio

22   subsystem enters an initialize state (See Chan Col. 11 Lines 55-58), and in the initialize state, the

1   audio subsystem causes the audio player to play (See Chan Col. 10 Lines 56-67). However, Tate

2   and Chan failed to specifically disclose that in this case "a predetermined software program is

3   executed".

4   Tate did, however, disclosed that in order to reproduce the encrypted content, the

5   memory card reader and decrypts the encrypted content (See Tate Fig. 8), but Tate is silent as to

6   whether the decryption process is performed using a software program, or whether it was

7   performed using only hardware. Tate did disclose that the decryption occurs in the memory card

8   reader and that the decryption algorithm was pre-stored in the decryption unit (See Tate Col. 10

9   Lines 23-29 and Col. 16 Lines 49-64 and Col. 14 Lines 14-20).

10   Schneier teaches that any encryption algorithm can be implemented in software, and that

11   the advantages of doing so are in flexibility and portability, ease of use, and ease of upgrade (See

12   Schneier Page 225).

13   It would have been obvious to the ordinary person skilled in the art at the time of

14   invention to have employed the teachings of Schneier in the content reproduction system of Tate

15   and Chan, by implementing the pre-stored decryption algorithm in software. This would have

16   been obvious because the ordinary person skilled in the art would have been motivated to

17   provide the decryption with flexibility and portability, ease of use, and ease of upgrade.

18   *Conclusion*

19   Claims 12, 14-21 have been rejected.

20   Any inquiry concerning this communication or earlier communications from the

21   examiner should be directed to MATTHEW T. HENNING whose telephone number is

22   (571)272-3790. The examiner can normally be reached on M-F 8-4.

1   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

2   supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

3   organization where this application or proceeding is assigned is 571-273-8300.

4   Information regarding the status of an application may be obtained from the Patent

5   Application Information Retrieval (PAIR) system. Status information for published applications

6   may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

7   applications is available through Private PAIR only. For more information about the PAIR

8   system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

9   system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

10   like assistance from a USPTO Customer Service Representative or access to the automated

11   information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12

13   /Matthew T Henning/

14   Primary Examiner, Art Unit 2131